

**REMARKS**

Applicants' undersigned attorney thanks the Examiner for her comments. Applicants respectfully request reconsideration of this patent application, particularly in view of the above Amendment and the following remarks. Currently, Claims 1-41 are pending.

**Amendment to the Specification**

The specification has been amended at page 20, line 4, to include the word "test." The omission of the word "test" was an obvious oversight, as can be gleaned from the context of the sentence.

The specification has been amended at page 20, line 10, to refer to the "0.08%" and "0.30%" levels, rather than the "0.8%" and "3%" levels, respectively. The sentence at page 20, line 10, provides commentary on the data provided in Table 1 on the same page and in Fig. 3. Thus, it can be seen that there were no samples tested having 0.8% or 3% levels. From Table 1 and Fig. 3 it can also be seen that the samples having 0.08% and 0.30% GLUCOPON did not yield a significant decrease in the viscoelastic properties of menses simulant over saline.

No new matter has been added by this Amendment.

**Amendments to the Claims**

Claims 1-41 have been examined with no claims being allowed. Applicants have amended Claims 1, 13, 14, 17, 29, 30, 32, 38, and 39. No new matter has been added by this Amendment.

Claims 1, 17, and 32 have been amended to include the limitation of the layer or substrate including a porous nonwoven web material treated with the density modulator, wherein the porous nonwoven web material includes a multilayer laminate having a porosity gradient with pore size increasing from one side of the porous nonwoven web material to an opposite side of the porous nonwoven web material. Support for this amendment is provided at page 11, line 20 – page 12, line 5, and at page 17, lines 9-12, of the specification.

Claims 14, 30, and 39 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims.

A check is enclosed to cover the cost of adding three additional independent claims.

**Claim Rejections - 35 U.S.C. §112**

The rejection of Claims 11, 27, and 36 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention is respectfully traversed.

Claims 11, 27, and 36 each recite the limitation of the density modulator (or alkyl glycoside, as in Claim 36) reducing the density of the substrate without lysing red blood cells when the substrate comes into contact with a blood-containing bodily fluid. This limitation is supported at page 18, lines 15-19. As explained on page 18, the reason that the density modulator does not lyse red blood cells in this embodiment is because the density modulator is applied in such a low concentration. When the density modulator, such as GLUCOPON 220, is applied in a greater concentration, it is known to lyse red blood cells. However, as shown in the Example on page 20, when the GLUCOPON 220 is applied in a low concentration, it exhibits essentially the same effect on the viscoelastic properties of menses simulant as saline. Saline does not lyse red blood cells. Thus, it appears that GLUCOPON 220 does not lyse red blood cells when used in low concentrations. Consequently, Claims 11, 27, and 36 require that the concentration of the density modulator be low enough that the density modulator does not lyse red blood cells.

For at least the reasons given above, Applicants respectfully submit that Claims 11, 27, and 36 are not indefinite. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

**Claim Rejections - 35 U.S.C. §102**

The rejection of Claims 1-7, 10, 13, 15, 17-23, 26, 29, 31-33, and 38 under 35 U.S.C. §102(a) as being anticipated by Yahiaoui et al. (PCT Publication No. WO 98/10134, hereinafter "Yahiaoui") is respectfully traversed.

Yahiaoui discloses the treatment of nonwoven materials with a combination of a surfactant and a viscosity modifier. The viscosity modifier may be an alkyl glycoside.

For a reference to anticipate a claim, the reference must disclose each and every element or limitation of the claim. Yahiaoui does not disclose each and every element or limitation of amended Claims 1, 17, or 32.

Applicants' invention as recited in Claims 1, 17, and 32 requires that a layer or substrate treated with a density modulator (or alkyl glycoside, as recited in Claim 32) includes a porous nonwoven web material including a multilayer laminate having a porosity gradient with pore size increasing from one side of the porous nonwoven web material to an opposite side of the porous nonwoven web material. Yahiaoui fails to disclose a porous nonwoven web material including a multilayer laminate having a porosity gradient.

For at least the reasons presented above, Applicants respectfully submit that Claims 1, 17, and 32 are not anticipated by Yahiaoui. Because Claims 2-7, 10, 13, and 15 depend from Claim 1, Claims 18-23, 26, 29, and 31 depend from Claim 17, and Claims 33 and 38 depend from Claim 32, these claims are also not anticipated by Yahiaoui. Thus, Applicants respectfully request withdrawal of this rejection.

**Claim Rejections - 35 U.S.C. §103**

The rejection of Claims 8-9, 16, 24-25, 34-35, and 40-41 under 35 U.S.C. §103(a) as being unpatentable over Yahiaoui et al. (PCT Publication No. WO 98/10134, hereinafter "Yahiaoui") is respectfully traversed, particularly in view of the above Amendment and the following remarks.

As explained above, Yahiaoui fails to disclose or suggest a porous nonwoven web including a multilayer laminate having a porosity gradient. Each of

the independent claims from which Claims 8-9, 16, 24-25, 34-35, and 40-41 depend has been amended to include the limitation of a porous nonwoven web including a multilayer laminate having a porosity gradient.

Furthermore, Yahiaoui discloses alkyl glycoside as a viscosity modifier. In contrast, Applicants' use of alkyl glycoside may be at such a low concentration that the alkyl glycoside does not affect viscosity, as shown in the Example on page 20. Thus, it would not have been obvious to one of ordinary skill in the art to modify the amount of density modulator to the low ranges of Applicants' Claims 8, 9, 24, and 25, because such low ranges would not be sufficient to provide the viscosity modification effects of Yahiaoui.

For at least the reasons given above, Applicants respectfully submit that the teachings of Yahiaoui fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

#### **Claim Rejections - 35 U.S.C. §102/103**

The rejection of Claims 11-12, 27-28, and 36-37 under 35 U.S.C. §102(a) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as being obvious over the cited Yahiaoui reference is respectfully traversed.

As indicated above, Claims 11, 27, and 36 require that the concentration of the density modulator be low enough that the density modulator does not lyse red blood cells. Also indicated above, Yahiaoui discloses alkyl glycoside as a viscosity modifier, whereas in Applicants' invention the use of alkyl glycoside may be at such a low concentration that the alkyl glycoside does not affect viscosity. Thus, it would not have been obvious to one of ordinary skill in the art to modify the amount of density modulator to the low ranges of Applicants' invention, because such low ranges would not be sufficient to provide the viscosity modification effects of Yahiaoui.

Furthermore, each of the independent claims from which Claims 11-12, 27-28, and 36-37 depend has been amended to include the limitation of a porous

nonwoven web including a multilayer laminate having a porosity gradient. Yahiaoui fails to disclose or suggest a multilayer laminate having a porosity gradient.

For at least the reasons given above, Applicants respectfully submit that the teachings of Yahiaoui fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

#### **Allowable Subject Matter**

The Examiner has indicated that Claims 14, 30, and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have rewritten Claims 14, 30, and 39 in independent form including all of the limitations of the base claim and any intervening claims. Therefore, Applicants believe amended Claims 14, 30, and 39 are now in condition for allowance.

#### **Conclusion**

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants' undersigned attorney requests a telephone interview with the Examiner.

Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,



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